

Teresa B. Clemmer (AK Bar No. 0111059)  
CLEMMER LAW OFFICE LLC  
PO Box 4086  
Palmer, AK 99645  
Phone: 907-982-2774  
tclemmer@clemmerlaw.net

*Counsel for Plaintiffs Alatna Village Council, Allakaket Tribal Council,  
Evansville Tribal Council, Huslia Tribal Council, Tanana Tribal Council,  
and Tanana Chiefs Conference*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

ALATNA VILLAGE COUNCIL, *et al.*,

Plaintiffs,

v.

CHAD PADGETT, in his official capacity,  
*et al.*,

Defendants,

and

AMBLER METALS, LLC, *et al.*,

Intervenor-Defendants.

Case No. 3:20-cv-00253-SLG

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR STAY**

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR STAY  
*Alatna Village Council v. Padgett*, 3:20-cv-00253-SLG

The Plaintiff Tribes have a strong interest in reaching the merits of this case expeditiously. *See, e.g.*, ECF 79. Nevertheless, as indicated in Defendants’ motion for a stay (ECF 83, at 3), Plaintiffs are not opposed to a relatively short stay with a definitive endpoint, as requested by Defendants.

Plaintiffs were not intending to file a responsive brief, but it has become necessary for them to do so in light of the response filed by Intervenor NANA Regional Corporation, Inc. (“NANA”) (ECF 83). *See* Decl. Counsel ¶ 7. Plaintiffs object to NANA’s filing for several reasons. First, NANA is improperly asking this Court to take an extraordinary action through a responsive brief, rather than through a separate motion. This deprives the other parties and the Court of the opportunity for full briefing and consideration of the very serious issues involved. Any request from NANA for a Court order affirmatively mandating and controlling the activities of the other parties should be in the form of a motion.

Second, as NANA has acknowledged, it is perfectly free to request its own meetings with federal agency officials, whether on a government-to-government basis or otherwise (ECF 91, at 2). The Plaintiff Tribes have no objection to NANA’s doing so. *See* Decl. Counsel ¶ 8. NANA has no right, however, to insert itself into the government-to-government consultation meetings requested by the Plaintiff Tribes. Indeed, NANA’s demand for a Court order requiring the Tribes to allow NANA to participate in their Tribal consultation meetings represents a grossly unacceptable intrusion into the Tribes’

sovereign right to consult with the federal government about matters affecting them. This is especially true because the interests of the Tribes and NANA are diametrically opposed with respect to the proposed Ambler Road and associated mining activities. NANA's interests arise from its ownership of subsurface mineral resources in the region and its partnership with Ambler Metals, LLC to pursue hard-rock mining in the Ambler Mining District. *See* ECF 83, at 3; Exhibit 1. In contrast, the Tribes have a profound interest in protecting their culture, identity, and way of life from the harmful impacts of the proposed road and the mining it is intended to facilitate. *See* ECF 46. The Tribes have every right to engage in government-to-government consultations with federal agencies to advocate for the protection of their sovereign interests and fundamental human rights without interference or intrusion from NANA.

Finally, Plaintiffs and Defendants are not presently engaged in settlement negotiations. *See* Decl. Counsel ¶ 9. The ongoing Tribal government-to-government consultations do not involve discussions regarding any form of compromise, court filings, or other procedural steps that might resolve this litigation. *See id.* ¶¶ 10-11.

For the foregoing reasons, Plaintiffs urge this Court to disregard NANA's filing in response to Defendants' Motion for Stay.

DATED: October 12, 2021

Respectfully submitted,

CLEMMER LAW OFFICE, LLC

By: s/ Teresa B. Clemmer  
Teresa B. Clemmer (AK Bar No. 0111059)

*Counsel for Plaintiffs Alatna Village Council, Allakaket Tribal Council, Evansville Tribal Council, Huslia Tribal Council, Tanana Tribal Council, and Tanana Chiefs Conference*

## CERTIFICATE OF SERVICE

I hereby certify that, on October 12, 2021, I caused copies of the following:

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR STAY

DECLARATION OF COUNSEL

EXHIBIT 1

to be filed with the Court and served by electronic means on all counsel of record through the Court's CM/ECF system.

/s/ Teresa B. Clemmer  
Teresa B. Clemmer